

# **INS DETENTION STANDARD**

## **DETAINEE HANDBOOK**

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### **I. POLICY**

Every OIC will develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available through various sources, including the facility, INS, private organizations, etc. Every detainee will receive a copy of this handbook upon admission to the facility.

Detainees are expected to behave in accordance with the rules set down in the handbook, and will be held accountable for violations. Therefore, the facility staff will advise every detainee to become familiar with the material in the handbook.

### **II. APPLICABILITY**

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

### **III. STANDARDS AND PROCEDURES**

- A. Every facility will develop a detainee handbook (see example, attached). SPCs/CDFs will use the attached handbook as a template or model. At a minimum, it will provide IGSA facilities with useful guidance.

While every detention handbook will conform to the format used in the attached example, every OIC will customize the contents as shown.

- B. The overview will briefly describe individual programs and services and associated rules. Among others, these include recreation, visitation, education, voluntary work, telephone use, correspondence, library use, and the canteen/commissary. The overview will also cover medical policy (sick-cell); facility-issued items, e.g., clothing, bedding, etc.; access to personal property; and meal service.
- C. The handbook will specify in greater detail the rules, regulations, policies, and procedures with which every detainee must comply, including, but not limited to: smoking policy, restricted areas, contraband, and so forth.
- D. The handbook will list detainee rights and responsibilities. It will also list and classify prohibited actions/behavior, along with disciplinary procedures and sanctions. This section will include grievance and appeals procedures.
- E. The handbook will be written in English and translated into Spanish and, if appropriate, into the next most-prevalent language(s) among the facility's detainees.

The OIC will provide translation assistance to detainees exhibiting literacy or language problems and those who request it. This may involve translators from the private sector or from the detainee population.

- F. The facility's orientation video may embellish or supplement the information provided in the handbook., at the OIC's discretion. However, the comprehensiveness of the video has no bearing on the development, production, or distribution of the detainee handbook.
- G. The OIC will provide a copy of the handbook to every staff member who has contact with detainees. These staff members will also receive training focused on its contents.
- H. The handbook will not be immediately reprinted to incorporate every revision. The OIC will instead establish procedures for immediately communicating such revisions to staff and detainees: posting copies of the changes on bulletin boards in housing units and other prominent areas; informing new arrivals during orientation process; distributing a memorandum to staff, and so forth.

The handbook will be revised on this piecemeal basis only to effect site-specific changes or changes directed by Headquarters.


- I. An appointed committee will conduct annual reviews of the handbook, after the annual reviews and revisions by facility department heads and the OIC.

**IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:**

American Correctional Association 3rd. Edition, Standards for Adult Local Detention Facilities 3-ALDF: 1E-01, 05, 06; 1F-05, 07, 08; 2B-02; 3A-18; Sections 3C & D; 3E-01, 02, 03, 07, 10, 11; 4A-01; 4B-01; 4C-07; 4D-05, 07, 08, 11, 12, 13; 4F-01; 5A-01, 18; 5C-01, 02; 5D-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 15; 5E-01; 5F-06.


(See sample handbook, attached)

**Approval of Standard**

  
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Acting Executive Associate Commissioner  
Office of Programs

SEP 20 2000

\_\_\_\_\_  
Date

  
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Date

**IMMIGRATION AND NATURALIZATION SERVICE  
SERVICE PROCESSING CENTER/INS CONTRACT DETENTION FACILITY  
DETAINEE HANDBOOK**

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## **INTRODUCTION/MISSION**

This Service Processing Center or INS contract facility at *[Insert Facility Location]* is a detention facility of the United States Immigration & Naturalization Service. The mission of the Service Processing Center or INS contract facility is to provide a facility that is safe, clean, and sanitary for detainees waiting processing of their administrative hearing.

## **PURPOSE**

The purpose of this handbook is to explain to detainees the specific rules, regulations, policies and procedures that must be followed while in custody at this facility. The handbook will also help provide you with a general overview of the programs, rules and regulations and services of the Facility and Service. You will be held accountable for their actions while in custody at this facility. Therefore, it is each detainee's responsibility to become familiar with the contents of this handbook.

A copy of this handbook will be issued to each detainee upon intake and certain sections are posted on the bulletin boards in each housing unit and other bulletin boards throughout the facility. All detainees are required to acknowledge, by signature, receipt of the handbook.

## **MAILING ADDRESS**

Your name: \_\_\_\_\_

Your A-No.: \_\_\_\_\_

*[Insert Facility Address]*

## **BASIC DETAINEE RESPONSIBILITIES**

It is the policy of Immigration & Naturalization Service to treat detainees with dignity and respect while maintaining a safe, secure, and sanitary detention facility. It is expected that staff will receive your full cooperation while you are waiting the processing of your case. In the simplest terms, you are expected to:

1. Follow and obey rules, laws, policies, and procedures.
2. Obey **all** orders as given by staff members and contract security personnel.
3. Respect staff and other detainees at all times.
4. Respect government property and the property of others.
5. Keep yourself, your clothing, and living area clean at all times.
6. Obey **all** safety, security, and sanitation rules, policies, and procedures.

If you observe and comply with the above guidelines, you should have no problems while living at this facility awaiting the outcome of your hearing. When addressing staff, you should not refer to them by first name, or a nickname created by others, refer to uniformed staff by their rank and last name (i.e., Officer Cohen, Lt. Shaver, etc.).

Refer to non-uniformed staff by title and last name (i.e., Dr. Jones, Nurse Clark) or by Mr., Mrs., Ms., followed by their last name. Staff members will address you in the same manner if they know your name. It is unreasonable to expect an officer to know all detainees within a facility by name. However, the officer or staff member will address you in an appropriate manner.

### **INITIAL ADMISSION**

- A. Upon arrival, your clothes, personal property, valuables and funds will be retained by the processing officer for safekeeping. Itemized receipts will be issued to you for all clothing, personal property, valuables and funds. It is important that you retain these receipts to claim your property, funds and valuables, when you are released.

Identity documents, such as passports, birth certificates, etc., will be inventoried, then given to a deportation officer for placement in your A-file.

- B. While at this facility you are permitted to retain:

*[Insert items detainees are permitted to retain]*

The personal items retained must be stored in your locker. No item is to be attached to the bunk, wall, windows or left on windowsills. Detainees are responsible for the loss of personal items not safeguarded or stored by the Service.

- C. Your initial issue of clothes shall be limited to:

*[Insert Facility Initial Clothing Issue]*

- E. Your issue of personal hygiene items are:

*[Insert Facility Initial Personal Hygiene Items]*

- F. Your housing officer will provide writing material, pencils and envelopes for your personal use. Ink pens are not authorized.

- G. Ordinarily, a medical examination will be conducted by a member of the US Public Health Service, within 14 days of your arrival.

- H. To have service issued personal hygiene items replaced, you must request replacement items from your housing officer.

### **CLASSIFICATION**

All detainees are classified upon arrival, before being admitted into the general population. . The classification system will ensure that you are placed in the appropriate category and physically separated from detainees in other categories. You will be housed, recreated and fed according to other detainees in your classification.

*[Insert Classification Process and Appeal Procedures]*

## **LIVING CONDITIONS**

Detainees are required to keep their assigned living areas clean at all times. Your bed must be made immediately upon waking and remain made when not in use. You are not permitted to lie on you bunk with shoes on or while fully clothed. It is in your best interest to maintain a clean living area and avoid many of the problems associated with unsanitary living conditions.

*[Insert Description of the Facility to Include Housing Units/Day Rooms In-Dorm Activities, Special Management Units].*

**Administrative Detention** is intended for detainees with special housing requirements, such as:

1. Pending investigation/hearing of prohibited act(s);
2. Medical observation;
3. Pending a transfer or release within 24 hours;
4. Security risk; or,
5. Protective custody.

**Disciplinary Segregation** is a special housing unit for detainees who:

1. Is a serious disruption in general population;
2. Require additional physical confines; or,
3. Have received a sanction by the Institutional Disciplinary Panel.

*[Insert Special Conditions of Segregation And Recreation Minimum]*

## **EVACUATION DRILLS**

Per local, state and federal laws, we are required to perform evacuation drills. At this facility, we perform no less than one drill \_\_\_\_\_per\_\_\_\_\_. These drills are not designed to inconvenience you, but rather to insure that you know where the exits are located in case of an actual danger such as; a fire, gas leak, civil disaster or other dangers. In your housing unit is a diagram showing you the location of all fire exits and which exits to use. Study this diagram, located in your housing unit, carefully, your life may depend on it.

## **OFFICIAL COUNTS**

In order to maintain proper accountability of detainees at this facility, official counts are conducted at the following times:

*[Insert Official Count Times and Count Procedures]*

During all formal counts no movement or talking is permitted. Disruptions during counts may result in a lock-down being initiated.

## **MEALS**

All meals are nutritionally balanced, dietician approved, properly prepared and attractively served in wholesome, clean and safe surroundings. *[Insert Pork Usage Policy]*. The use of food, i.e., withholding of, or variation from the standard menu, as a disciplinary measure or reward is prohibited. Special diets as required for medical reasons or adherence to religious dietary law are provided by the Food Service Department upon receipt of a special diet card. You will be issued an appropriate eating utensil(s) and napkin. The utensil(s) must be accounted for at meals end. Meal times and menus are posted on the bulletin board in your unit.

*[Insert Procedures For feeding times and procedures, Medical Or Religious Diets]*

## **SMOKING POLICY**

Smoking is prohibited in all buildings, including detainee-housing units, at this facility. If permitted, the only designated smoking areas are outside of all buildings.

*[Insert Facility Smoking Policy for Detainees]*

## **MEDICAL CARE**

The United States Public Health Service or contract medical staff provides medical care. If you are ill or in need of medical attention you must first sign up for Sick Call. (See Sick Call Section). If it is after Sick Call hours, you must notify your Housing Unit Officer, who will contact the on-call medical staff member.

## **CLOTHING EXCHANGE**

Clothing exchange, for male and female detainees, will be made on a one for one basis according to the following schedule:

1. Outer garments shall be exchanged twice a week, one for one with maximum time between changes being 72 hours.
2. Socks, underwear and towels shall be exchanged daily on a one for one basis.
3. Sheets and pillowcases shall be exchanged weekly.
4. All Food Service detainee volunteer workers shall be required to exchange outer garments (whites) daily.
5. All other volunteer workers may exchange outer garments when necessary.

In order to insure an adequate supply of clothing for all detainees, the hoarding of clothing is prohibited. Generally, detainees are not permitted to wash clothing, bedding or tennis shoes or other items in their living unit, unless washing machines and clothes dryers are available.

*[Insert Clothing Exchange Schedules And If Authorized, Insert Clothes Washing And Drying Procedures]*



## **PERSONAL HYGIENE**

You will be living in a dormitory with other individuals, so personal hygiene is essential. You are expected to bathe regularly and to keep your hair clean. Personal hygiene items for both male and female detainees, such as, soap, toothpaste, toothbrushes, combs, hairbrushes, and other items will be issued to you upon admission. If you should run out of an item, see your housing officer. Special personal and hygienic items for female detainees will be available upon request to the housing officer.

Disposable razors will be provided on a daily basis. Razors will be checked out on an as needed basis and returned when you have finished shaving. Disposable razors will not be used by more than one (1) detainee; this is for health and safety reasons meant to protect the detainees and staff.

Detainees attending court will be afforded the opportunity to shave before reporting to court.

*[Insert Times and Procedures]*

## **BARBERING SERVICE**

Free barbering services will be located in the Recreation Center or other designated area and will be available during the hours of operation of the Recreation Center. For sanitary reasons, the cutting of hair in the dormitory is strictly prohibited. It is also prohibited to possess cut hair or clippings, either your own or others.

*[Insert Barber Hours and Requirements]*

## **SLEEPING AREA/SANITATION**

You are required to keep your bed and immediate area clean and neat. You are also required to make your bed daily before reporting for your work assignment or when you begin your daily routine. When your bed is not in use it **has to be made!** The hanging of sheets, towels, blankets or clothing from sashbars, overhead lights or beds is not permitted. Special considerations or devices will be made to provide for wet towels.

Personal effects, to include hygiene items are to be stored in your locker. Do not place items on windowsills, windows, bunks, lockers, under a mattress, etc. These items will be confiscated and removed from the area when left in unauthorized areas. It will be your responsibility to identify and reclaim the items through the appropriate shift supervisor.

## **FINANCES**

Occasionally you may wish to send money to your family. You are cautioned not to send cash through the mail. To send money; contact the Supervisory Detention Enforcement Officer or shift supervisor and he/she will make arrangements to purchase a money order

that you can send. If you receive monies or property in the mail, the officer, in your presence, will receipt the money or property for you and it will be placed in your account.

*[Insert Funds and Valuables Procedures]*

### **ACCESS TO TELEPHONE**

*[Insert Telephone Policy, Debit Card Procedures, Direct And Free Calls, Etc.]*

Telephones are provided in the following areas for your use:

*[Insert locations]*

When telephone demand is high you are expected to limit your phone calls to \_\_\_\_\_ minutes to permit others the same telephone privileges. The telephones are available for your use from:

*[Insert Facility Policy]*

In case of an emergency, such as illness or death in your family, your Unit Housing Officer can assist you in making telephone calls when access to telephones would not normally be available. Routine telephone calls to attorneys are not considered to be emergencies.

*[Insert Information about the Detainee Message System.]*

### **RELIGIOUS SERVICES**

All detainees shall have access to religious resources, services, instruction and counseling on a voluntary basis. All detainees shall be extended the greatest amount of freedom and opportunity for pursuing any legitimate religious belief or practice within the constraints of security and safety considerations. The religious schedule is posted in your housing unit.

*[Insert facility Chaplains name, religious programs, times, sign up procedures etc.]*

### **VENDING MACHINES OR COMMISSARY**

*[Insert Times and Procedures for Commissary or Vending Machine Usage.]*

### **VOLUNTARY WORK PROGRAM**

Every effort will be made to provide you an opportunity to participate in the voluntary work program. Wages are \$1.00 per day, this does not mean per work assignment. Ordinarily you will not be permitted to work in excess of eight (8) hours daily, or 40 hours weekly unless a request is made to and approved by the Chief Detention Enforcement Officer. In addition, you shall be required to sign a voluntary work program statement and receive necessary training.

Detainees that participate in the volunteer work program are required to work according to an assigned work schedule and unexcused absences from work or unsatisfactory work performance could result in removal from the voluntary work program.

*[Insert Detainee Voluntary Work Program Procedures, Pay Procedures, Opportunities Etc.]*

### **LIBRARY**

The library at this facility contains standard library materials found in a school or community library. The needs, interests and abilities of the majority of detainees is carefully considered and the library collection developed accordingly. You are permitted to checkout books during library hours. The Recreation Specialist or detainee librarian can assist you. It is important that you take care of the books and return them timely so other detainees have the opportunity to read and enjoy them.

*[Insert Library Location and Hours of Operation].*

### **LAW LIBRARY**

The schedule for use is posted in all housing units. Self-help material will be provided and made available to all detainees for their use for research or preparation of their defense. Due to the number of detainees housed here you are not permitted to use the Law Library for the purpose of assisting other detainees in their case.

*[Insert Facility Law Library Procedures and Schedules]*

### **TYPEWRITER AND COMPUTERS**

Typewriters and/or computers are available in the Law Library for preparation of legal documents **ONLY**. The typewriter **is not to be used** for personal correspondence.

### **VISITATION**

Any disruptive conduct by either party will result in the termination of the visit and may have an adverse affect on future visits. If your visitor(s) bring children [17 years of age or under] they are expected to remain under the direct supervision of the adult visitor(s) so they will not disturb others who have visitor(s). Visitors must be in appropriate and socially accepted attire. If there are more visitors than can be accommodated in the visiting room, it may be necessary to limit visits to lesser periods of time. You are not allowed to accept any item from a visitor unless approved by appropriate supervisory personnel before hand.

You should discourage your visitors from bringing large quantities of hand carried parcels or other items, to include packages. The visitor(s) may be required to leave such items in a locker or their vehicle. All of your visitors and any hand held item(s) are subject to a search.

*[Insert Facility Visiting Hours and Schedule and Requirements.]*

### **ATTORNEY VISITS**

Legal representatives or paralegals may visit detainees between the hours established by the OIC, seven (7) days a week. If necessary, you will be given the option to meet with your legal representative during meal hours and you will be provided with a menu tray or sack meal.

*[List Attorney Visitation Hours]*

A list of *pro bono* (free) legal organizations will be posted in all detainee housing areas and other appropriate areas. This list shall be updated quarterly. If you wish to see a representative or paralegal from that organization, it is your responsibility to contact them for an appointment.

*[Insert Locations of Pro Bono Postings]*

If you have made an appointment to meet with an attorney, legal representative or paralegal from an organization, legal firm, or other association or company, it is your responsibility to cancel the appointment if you do not intend to keep the appointment. Appointment cancellations will not be accomplished on your behalf by, or through an officer or another detainee.

### **GROUP LEGAL RIGHTS PRESENTATIONS**

At times, notifications will be posted to announce Group Legal Rights presentations. A sign-up sheet will be made available in each housing unit and you will be given the opportunity to attend. Presentations are open to all detainees, regardless of the presenter's intended audience, except when a particular detainee's attendance would pose a security risk.

Detainees in segregation will be allowed to attend if security is not compromised. If it becomes necessary, presentations may be made to individuals in segregation, pending agreement with the presenter and security can be maintained. If a detainee in segregation cannot attend for this reason, and both he/she and the presenter(s) so request, alternative arrangements shall be made.

*[Insert Group Legal Rights Presentations Schedule and Sign up Procedures]*

### **INSPECTIONS OF PERSONS AND PROPERTY**

You are subject to a search upon admission into the facility and when there is reasonable cause to believe you may have contraband concealed on your person. Searches are routine requirements when entering the housing units or when leaving the visiting area after a visit. Routine unscheduled searches of the facility, detainee's persons and property will be conducted as deemed necessary. There are occasions when random searches will be conducted as they enter or leave a building or area.

All searches are used as a means of interdicting contraband and ensuring safe and sanitary conditions exist within the facility. Searches are not punitive in nature.

*[Insert Facility Search Procedures]*

### **CORRESPONDENCE**

You may send or receive mail to or from anyone you know personally. You may seal your outgoing letters and give them to your housing officer or place it in a provided receptacle. Drawing on the front of your outgoing envelopes is prohibited due to postal regulation. If you receive incoming social and legal mail it will be opened in your presence to inspect for contraband.

If you do not accept the letter or permit the letter to be inspected, in your presence, it will be returned to the sender. **Your letter will not be read, it will only be inspected for contraband.**

You will not be allowed to receive or send packages without advance arrangements, approved by the Officer in Charge or his designee. The postage for sending packages and oversized or overweight mail will be paid by you. The contents of all incoming or outgoing packages will be inspected in the detainee's presence.

When you depart the facility, your incoming mail will be sent to your forwarding address. If you do not provide a forwarding address, your mail will be endorsed, "No Forwarding Address, Return to Sender". All such mail will be returned to the Post Office.

*[Insert Local Correspondence Policy And Procedures, To Include The Proper Addressing Of Mail, Inspection Of Incoming Mail, Special Correspondence, Packages, Delivery And Pick Up Schedules, etc.]*

### **DETAINEE DISCIPLINE:**

In a facility where many individuals live together in a relatively small amount of space, it is extremely important that order and discipline be maintained. Discipline and order are not only for the benefit of the staff, but also for the safety and welfare of you and all other detainees. While many problems can be solved informally through counseling, disciplinary measures must occasionally be imposed.

*[Insert Facility Disciplinary Policy and the Disciplinary Severity Scale and Prohibited Acts]*

### **GRIEVANCE PROCEDURE**

No harassment, punishment, or disciplinary action will result to a detainee who seeks resolution of legitimate complaints in good faith. However, if you demonstrate a pattern of abuse of the grievance system, resulting in unnecessary burdens at the expense of legitimate complaints, such grievances will be returned unprocessed. Continued abuse may result in an adverse action initiated against you.

A copy of your grievance will be maintained in your detention file for a period of three years.

*[Insert grievance procedures to include procedures and time lines for informal, formal grievances and for appeals.]*

### **SICK CALL**

Sick call at this facility is provided to all detainees from the time of admission to the time of release in order to provide continuous medical care.

*[Insert sick call procedures for general population and segregation.]*

### **RECREATION FACILITIES**

#### **A. In-dorm recreational facilities**

The following rules apply for television viewing:

1. Channel selections are mandated and monitored according to a posted schedule. Television programming is the responsibility of the Recreation Specialist. To ensure fairness to all detainees, the Recreation Specialist will post a sports viewing and a special programming schedule on a regular basis. **No deviations will be permitted.**
2. Televisions will be turned off during official counts, cleaning of housing areas and when it will interfere with other facility operations.
3. Volume of television shall be kept at a reasonable level so as to not disturb other detainees or other facility operations.

**As previously stated, the schedule shall be strictly adhered to and no deviation is permitted unless authorized by the Recreation Specialist.** Any requests for special scheduling shall be forwarded to the Recreation Specialist's office for consideration. Recording of special programming or programs may be accomplished by submitting a written request to the Recreation Specialist for consideration.

You are cautioned not to begin viewing a program that will end after the designated viewing hours, because the television will be turned off at the designated time (usually 10:00 pm but will be established by the Chief Detention Enforcement Officer).

*[Insert description and hours of operation for recreational activities available in housing unit, i.e., day room.]*

**B. Access To Outside Recreation**

All detainees, weather and physical layout permitting will be provided, at a minimum, one hour of outdoor recreation per day, five (5) days per week.

*[Insert procedures, schedule, activities and rules and regulations for outdoor recreation.]*

**DETAINEE DRESS CODE**

Detainees are required to keep themselves clean, wear proper clothing/footwear during all activities. Detainees are reminded that poor hygiene, poor sanitation and not wearing proper clothing and footwear can cause potential conflict with your peers and others and can have negative impact upon the health and safety of yourself and others. Failure to comply with the dress code and grooming standards will ultimately become an issue that requires staff intervention in the form of appropriate disciplinary action to correct the situation.

A. Ordinarily, detainees may wear any hairstyle with the following exceptions:

1. For safety and hygiene reasons, kitchen workers and detainee workers operating machinery will keep their hair in a neat, clean and commonly acceptable style.
2. The hairstyle will not interfere with the safety and hygiene requirements.
3. ALL kitchen workers will wear a hairnet when working in the kitchen.

B. Ordinarily, facial hair may be grown without restriction with the following exceptions;

1. For safety reasons detainee workers operating machinery may not be authorized to wear facial hair and are expected to be clean shaven at all times while performing the above described functions.
2. These restrictions are a requirement for employment in the above described work assignments and acceptance of the job denotes acceptance of the grooming standards for the above described work assignments.
3. **There will be no exceptions to this requirement including medical reasons.**

## **CLOTHING**

The basic uniform for detainees shall be distinctive in appearance as to identify the detainee according to his/her security level. In INS and contract facilities, the basic uniform is Blue, Red and Orange.

1. **Blue** uniforms and wristbands - Level 1 detainees.
2. **Orange** uniforms and wristbands - Level 2 detainees.
3. **Red** uniforms and wristbands - Level 3 detainees.
4. **White** uniforms will be the work uniform for kitchen workers only. In the housing units the kitchen workers will wear the appropriate color uniform.

All issued clothing shall be worn as specified in the following instructions and in no other manner. These requirements are essential to ensure compliance of Security, Hygiene, and Conduct within the realm of propriety for all people.

1. Clothing must be clean and not torn when worn.
2. Only kitchen workers will be authorized to wear white uniforms.
3. The wearing of mixed colors is not authorized for outer garments.

In addition:

1. Undergarments may be worn without outer garments only while inside the sleeping quarters or the restrooms. **NO EXCEPTIONS!**
2. Shower shoes may be worn only inside the housing unit.
3. Shoes will be worn at all times when outside the housing units.
4. Hats or other head covers will not be authorized for the general population. Workers will be issued the proper head cover when required and will be worn only while performing work related duties.
5. Detainees will wear a complete uniform (shirt, pants, shoes) at all times while in the dining hall, medical, court, and during religious services and all visitations.
6. Pants will be worn at a point about the waist that prevents the crease of the buttocks from showing, despite the length of the shirt.
7. Detainees are not to walk about the facility with their hands inside waistband of pants regardless of weather conditions.



8. No article of clothing will be worn in a manner not normally intended for that item (using a shirt as a head band or head cover, etc.).

### **CONTRABAND**

Items, which are considered to be a detriment to the safe and orderly operation of the facility, are prohibited. Contraband items include but are not limited to:

- a. Any dangerous drug, narcotic drug, marijuana, intoxicating liquor of any kind, deadly weapons, dangerous instruments, explosives or any other article that, if used or possessed, would endanger the preservation of order in the facility.
- b. Any item which could be used as an aide to escape.
- c. Any item which could be used to disguise or alter the appearance of a detainee.
- d. Any article of clothing or item for personal use or consumption which has not been cleared first through the OIC or purchased by a detainee from the vending machines.
- e. Cameras, video, audio, or related equipment that can be used to make unauthorized photographs or audio, or audio/video recordings of detainees, staff, or government property.

### **UNAUTHORIZED PROPERTY**

Items not inherently illegal, which are considered contraband when, possessed by a detainee or visitor within the facility including but not limited to: Any approved item which, though approved, is in excess of the quantity allowed.

### **LEGAL FILE**

An Immigration legal record commonly called an "A" file maintained by the Deportation Department for each individual. This "A" file contains your legal transactions and documentation pertaining to your case; including but not limited to identification cards, photos, passports and immigration history.

### **DETENTION FILE**

A detention record is maintained for each individual. This detention record shall include no less than the following:

1. Facility Disciplinary Action
2. Behavior Reports
3. Funds, Valuables and Property Receipts
4. Detainee's Written Request, Complaints and Issues
5. Immigration Responses to the aforementioned
6. Special Housing Unit Records

## RIGHTS AND RESPONSIBILITIES

1. You have the right to be informed of the rules, procedures and schedules concerning the operation of the facility.

*You have the responsibility to know and abide by them*

2. You have the right to freedom of religious affiliation, and voluntary religious worship.

*You have the responsibility to recognize and respect the rights of others in this regard.*

3. You have the right to health care which includes nutritious meals, proper bedding And clothing, a laundry schedule for cleanliness of the same, an opportunity to shower regularly, proper ventilation for warmth and fresh air, a regular exercise period, toilet articles and medical treatment.

*It is your responsibility not to waste food, to follow the laundry and shower schedule, to maintain neat and clean living quarters, and to seek medical care as needed.*

4. You have the right to have family members and friends visit with you in keeping with the facility rules and schedules.

*It is your responsibility to conduct yourself properly during visits, and to not accept or pass contraband.*

5. You have the right to unrestricted and confidential access to the courts by correspondence.

*You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.*

6. You have the right to legal counsel from an attorney of your choice by means of interviews and correspondence at no cost to the United States Government.

*It is your responsibility to obtain the services of an attorney honestly and fairly.*

7. You have the right to have access to reading material for your own enjoyment. These materials may include approved magazines.

*It is your responsibility to seek and utilize such material for your personal benefit, without depriving others of the same benefit.*

8. You have the right to participate in the use of law library reference materials to assist you in resolving legal problems. You also have the right to receive help when it is available through a legal assistance program.

*It is your responsibility to use those resources in keeping with the procedures and schedule prescribed and to respect the rights of other detainees to the use of the material.*

9. You have the right to a wide range of reading material for educational purposes and for your own enjoyment. These materials may include magazines and newspapers sent from the publishers.

*It is your responsibility to seek and utilize such material for personal benefit, without depriving others of their equal rights to the use of this material.*

10. You have the right to participate in a work program, as far as resources are available, and in keeping with your interests, needs and abilities.

*You have the responsibility to take advantage of activities which may help you live a successful and abiding life within the Facility and in the community. You will be expected to abide by the regulations governing the use of such activities.*

11. You have the right to an administrative hearing before an Immigration Judge to determine your status in the United States.

*It is your responsibility to seek and provide evidence for your defense*

12. If you are not an exclusion case and eligible, you have the right to be released on bond until your scheduled administrative hearing.

*It is your responsibility to seek methods of payment for your bond.*

13. You have the right to apply for political asylum if you believe that you will be persecuted because of your race, religion, nationality, membership in a social group or political opinion.

*It is your responsibility to prepare and submit the proper forms accurately*

14. You have the right to request voluntary departure, if statutorily eligible, prior to a hearing but if you request voluntary departure you waive that right to a hearing.

*It is your responsibility to inform an INS Officer that you request voluntary departure.*

**U.S. Immigration and Naturalization Service**  
**NATIONAL DETENTION STANDARDS**  
**MONITORING INSTRUMENT**

**Policy:** Every OIC will develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available through various sources, including the facility, INS, private organizations, etc. Every detainee will receive a copy of this handbook upon admission to the facility.

<b>DETAINEE HANDBOOK</b>			
<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
1. Does each SPC/CDF have a detainee handbook? a. IGSA?			
2. Is the handbook written in English? a. translated into Spanish b. Into the next most-prevalent Language(s)?			
3. To ensure accountability, are the detainees required to sign for them?			
4. Does the handbook embellish or supplement the orientation video?			
5. Does each staff members receive a handbook? a. Do staff members receive training?			
7. Is the handbook revised as necessary? a. Are procedures in place for immediately communicating any revisions to staff and detainees?			
8. Is there an annual review of the handbook? a. By whom?			
9. Does the handbook address the following issues: a. Personal Items permitted to be retained by the detainee? b. Initial issue of clothes? c. Personal hygiene items issued?			
10. Does the handbook state in clear language basic detainee responsibilities?			

DETAINEE HANDBOOK			
Components	Yes	No	Remarks
11. Does the handbook state: a. Initial issue of clothing and bedding? b. Initial issue of personal hygiene items?			
12. Does the handbook state when a medical examination will be conducted?			
13. Does the handbook describe the facility, including the housing units? a. Day rooms? b. In-dorm activities? c. Special management units?			
14. Does the handbook describe a. Official count times and count procedures? b. Meal times, feeding procedures, procedures for medical or religious diets, additional information? c. Smoking policy? d. Clothing exchange schedules and if authorized, clothes washing and drying procedures? e. Expected personal hygiene practices?			
15. Does the handbook describe times and procedures for obtaining disposable razors? a. Does it state detainees attending court will be afforded the opportunity to shave first?			
16. Does the handbook describe a. Barber hours and hair cutting restrictions?			
17. Does the handbook describe a. The telephone policy, debit card procedures, directs and frees calls? b. Locations of telephones? c. Policy when telephone demand is high? d. Policy and procedures for emergency phonecalls? e. The Detainee Message System?			
18. Does the handbook address the religious program?			

DETAINEE HANDBOOK			
Components	Yes	No	Remarks
19. Does the handbook state times and procedures for commissary or vending machine usage?			
20. Does the handbook describe the detainee voluntary work program procedures, pay procedures?			
21. Does the handbook describe a. Library location and hours of operation? b. Law library procedures and schedules?			
22. Does the handbook describe a. attorney visitation hours b. Location of the list of pro bono legal organizations? c. Group legal rights presentations schedule and sign up procedures?			
23. Does the handbook describe the facility search procedures? a. Contraband policy?			
24. Does the handbook describe a. Facility visiting hours and schedule? b. Rules and regulations?			
25. Does the handbook describe the correspondence policy and procedures?			
26. Does the handbook describe in detail the detainee disciplinary policy and procedures? a. Prohibited acts and severity scale? b. Sanctions? c. Time limits in the Disciplinary Process? d. Summary of Disciplinary Process?			
27. Does the handbook describe the detainee grievance procedures to include appeals in depth?			
28. Are the sick call procedures for general population and segregation included?			

DETAINEE HANDBOOK			
Components	Yes	No	Remarks
29. Does the handbook describe the facility recreation policy? a. Outdoor recreation hours? b. Indoor recreation hours? c. In dorm leisure activities? d. Rules for television viewing?			
30. Does the handbook describe a. The detainee dress code for daily living? b. Work assignments? c. The proper way to wear issued clothing? d. The meaning of color-coded uniforms?			
31. Does the handbook specify the rights and responsibilities of all detainees?			

**U.S. Immigration and Naturalization Service**  
**NATIONAL DETENTION STANDARDS**  
**MONITORING INSTRUMENT**

**DETAINEE HANDBOOK**

**Verification Sources:**

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

Source	Time	Date	Location
A. Detainee handbook			
B. Observation of daily living			
C. Facility log books			
D. Written policy and procedures			
E. Detainee and staff interviews			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

**Remarks:** *(Record significant facts, observations, other sources used, etc.)*

\_\_\_\_\_  
Auditor's Signature

\_\_\_\_\_  
Date



# INS DETENTION STANDARD

## VOLUNTARY WORK PROGRAM

### I. POLICY

Every facility with a work program will provide detainees the opportunity to work and earn money. While not legally required to do so, INS affords working detainees basic Occupational Safety and Health Administration (OSHA) protections.

### II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

### III. STANDARDS AND PROCEDURES

#### A. Voluntary Work Program

Detainees who are physically and mentally able to work will be provided the opportunity to participate in any voluntary work program.

The detainee's classification level will determine the type of work assignment for which he/she is eligible.

*General work assignments at SPCs/CDFs do not require specific skills. A sample of work assignments and corresponding classification levels follows:*

<i><b>Work Assignment</b></i>	<i><b>Level</b></i>
1. Kitchen worker (either shift)	1-2 (and 3, if screened for violence)
2. Recreation/Library/Barber	1-2 (and 3, if screened for violence)
3. Living area clean-up/janitorial	1-3
4. Area cleaning (inside facility)	1-3
5. Area cleaning (outside facility)	1
6. Evening workers (unit janitorial)	1-2
7. Evening workers (building janitorial)	1-2
8. Processing	1-2
9. Bus detail	1-3
10. Maintenance	1-2
11. Lawn care	1-3
12. Laundry	1-2

**B. Voluntary Work Program Objectives**

Through the voluntary work program:

1. Physically and mentally able detainees are gainfully employed while contributing to the orderly operation of the facility;
2. Essential operations and services improve through the productivity of detainees; and
3. Inactivity-induced idleness and disciplinary-code violations will decline.

**C. Required Work Assignments**

Work assignments are voluntary. However, all detainees are responsible for personal housekeeping.

*In SPCs/CDFs, detainees are required to maintain their immediate living areas in a neat and orderly manner. This involves making their bunk beds daily, stacking loose papers, keeping the floor free of debris and dividers free of clutter, and hanging/draping no articles of clothing, pictures, keepsakes, or other objects from beds, overhead lighting fixtures, or other furniture.*

**D. Voluntary Special Details**

Detainees may volunteer for the temporary work details that occasionally arise. The work, which generally last from several hours to several days, can involve digging trenches, removing topsoil, and other labor-intensive work. Level-3 detainees will not, under any circumstances, work outside the secure outer perimeter. With immediate supervision, lower categories of level-3 detainees may participate in special details.

**E. Detainee Selection**

The OIC shall develop site-specific rules for selecting work detail volunteers.

*In SPCs/CDFs, these general procedures apply:*

- a. Staff will present the detainee's name and A-number to the shift supervisor or the requesting department head.*
- b. The shift supervisor/department head will review the detainee's detention file and/or A-file for classification purpose, scanning documents that might provide relevant information.*
- c. Inquiries to staff members about the detainee's attitude and behavior may affect the supervisor's selection.*
- d. Staff will explain the rules and regulations as well as privileges relating to the detainee worker's status.*

*The primary factors in hiring a detainee as a worker will be his/her classification level and the specific requirements of the job.*

**F. Discrimination in Hiring Detainee Workers**

Volunteering detainees will not be denied work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin.

**G. Physically and Mentally Challenged Detainees**

INS maintains custody of physically and mentally challenged detainees whose disabilities range from minor to debilitating. While some of these individuals' medical restrictions will prevent them from working, those with less severe disabilities will have the opportunity to participate in the voluntary work program, in appropriate work projects.

The selecting official must consider the precise limitations of a disabled individual before rejecting certain work assignments. Expediency or convenience will not justify the rejection or pigeonholing of a detainee who, with reasonable accommodation, can perform the essential function of the work involved. In disputed cases, the official will consult medical personnel to ascertain the detainee's assignability with regard to a given project.

**H. Hours of Work**

Detainees participating in the volunteer work program are required to work according to a fixed schedule.

*In SPCs/CDFs, the normal scheduled workday for a detainee employed full-time is a maximum of 8 hours. Detainees who wish to participate in the work program will not be permitted to work in excess of 8 hours daily, 40 hours weekly.*

*Unexcused absences from work or unsatisfactory work performance may result in removal from the voluntary work program*

**I. Work Restrictions**

The OIC may restrict the number of work details permitted a detainee during one day.

*In SPCs/CDFs, a detainee may participate in only one work detail per day. Also, the detainee is required to sign a voluntary work program agreement before every new assignment. Completed agreements will be filed in the detainee's detention file. (Sample agreement attached).*

**J. Facilities That Detain Criminal Aliens**

If the facility cannot establish the classification level in which the detainee belongs, the detainee shall be ineligible for the voluntary work program.

**K. Compensation**

Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy.

*In SPCs/CDFs, the stipend is \$1.00 per day, to be paid daily.*

**L. Removal of Detainee from Work Detail**

A detainee may be removed from a work detail for cause. Upon removing a detainee from a work detail, the OIC shall place a written justification in the detainee's detention file.

A non-exhaustive list of reasons for removal follows:

1. Unsatisfactory performance.
2. Disruptive behavior, threats to security, etc.
3. Infraction of a facility rule, regulation or policy, leading to removal from a work details as a sanction imposed by the Institutional Disciplinary Panel.
4. Physical inability to perform all functions required by the job, whether because of a lack of strength or a medical condition. Such detainees may be removed from a work detail to prevent future injuries.

**M. Detainee Responsibility**

The OIC will establish procedures for informing detainee volunteers about on-the-job responsibilities and reporting procedures.

*In SPCs/CDFs, the detainee is expected to be ready to report for work at the required time. The detainee may not leave an assignment without permission.*

The detainee will perform all assigned tasks diligently and conscientiously. Removal from the work detail and/or disciplinary action may result when a detainee evades attendance and performance standards in assigned activities, or encourages others to do so.

The detainee will exercise care in performing assigned work, using safety equipment and other precautions in accordance with the work supervisor's instructions. In the event of a work-related injury, the detainee shall notify the work supervisor, who will immediately implement injury-response procedures (see section III. O., below).

**N. Detainee Training and Safety**

All detention facilities shall comply with all applicable health and safety regulations and standards.

The OIC shall ensure that all department heads develop and institutes, in conjunction with the facility's training officer, appropriate training for all detainee workers.

1. *In all SPCs/CDFs the Voluntary Work Program shall operate in compliance with the following:*
  - a. *Occupational Safety and Health Administration (OSHA) regulations set forth in 29 CFR Parts 1910, 1926, and 1960 (current indexes attached);*
  - b. *National Fire Protection Association 101 Life Safety Code (current index attached);*
  - c. *American Correctional Association Standards for Adult Local Detention Facilities (see section IV., below);*
  - d. *INS Environmental Occupational Safety and Health Program Handbook.*
2. Upon the detainee's assignment to a job or detail, the supervisor shall provide thorough instructions regarding safe work methods and, if relevant, hazardous materials. The supervisor shall demonstrate safety features and practices. Workers will learn to recognize hazards in the workplace, to understand the protective devices and clothing provided, and to report deficiencies to their supervisors. INS will not tolerate "lack of knowledge or skill" as an accident's cause. Therefore, the detainee shall undertake no assignment before signing a voluntary work program agreement. Among other things, by signing the agreement the detainee confirms he/she has received and understood training about the assigned job from the supervisor. This agreement will be placed in the detainee's detention file.

3. Medical staff, working with the Public Health Service, will ensure detainees are medically screened and certified before undertaking a food service assignment.
4. The facility will provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.
5. *Each Regional Safety and Health Officer (RSHO) shall be responsible for providing every SPC/CDF in his/her region with complete and current copies of the documents listed in III.N.1., above, including 29 CFR Parts 1910, 1926 and 1960. The OIC shall ensure that the facility operates in compliance with all currently applicable standards.*

**0. Detainee Injury and Reporting Procedures**

The OIC shall implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification of INS.

*In SPCs/CDFs, if a detainee is injured while performing his/her work assignment, the following procedures apply:*

1. *The work supervisor will immediately notify the facility medical staff. In the event that the accident occurs in a facility that does not provide 24-hour medical coverage, the supervisor will contact the on-call medical officer for instructions.*
2. *First aid will be administered when necessary.*
3. *Medical staff will determine what treatment is necessary and where that treatment will take place.*
4. *The work supervisor will complete a detainee accident report and submit it to the OIC for review and processing. A copy of this report will be placed in the detainee's A-file.*

**IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:**


American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:  
3-ALDF-3E-04, 5A-01, 5A-03, 5A-04, 5A-05, 5A-06, 5A-08, 5A-13.

**Approval of Standard**

  
\_\_\_\_\_  
Michael D. Cronin  
Acting Executive Associate Commissioner  
Office of Programs

SEP 20 2000

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael A. Pearson  
Executive Associate Commissioner  
Office of Field Operations

SEP 20 2000

\_\_\_\_\_  
Date

Detainee Voluntary Work Program Agreement  
Service Processing Center/Contract Detention Facility  
*[Insert Facility Name]*

**Detainee Voluntary Work Program Agreement:**

Detainees that participate in the volunteer work program will not be permitted to work in excess of 8 hours daily or 40 hours weekly.

Detainees that participate in the volunteer work program are required to work according to an assigned work schedule and to participate in all work-related training. Unexcused absence from work or unsatisfactory work performance could result in removal from the voluntary work program. Detainees must adhere to all safety regulations and to all medical and grooming standards associated with the work assignment. Compensation shall be \$1.00 per day.

I, \_\_\_\_\_, A# \_\_\_\_\_, have read, understand, and agree  
(Detainee name)  
to comply with the above. I have received and understand relevant safety training regarding my work assignment:

\_\_\_\_\_  
Work Assignment

\_\_\_\_\_  
Detainee Signature

\_\_\_\_\_  
Date



**U.S. Immigration and Naturalization Service**  
**NATIONAL DETENTION STANDARDS**  
**MONITORING INSTRUMENT**

**Policy:** In every facility offering a voluntary work program, INS detainees will have the opportunity to work and earn money by participating. While not legally required, INS affords detainee workers basic Occupational Safety and Health Administration (OSHA) protections.

<b>VOLUNTARY WORK PROGRAM</b>			
<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
1. Does the facility have a voluntary work program? If yes, do detainees participate?			
2. Does staff maintain a written chart with work assignments and the corresponding classification levels?			
3. Does the Voluntary Work Program: a. Contribute to detainee morale and the orderly operation of the facility? b. Improve operations and services? c. Reduce restlessness and disciplinary code violations?			
4. Does detainee housekeeping meet neatness and cleanliness standards?			
5. Do low level-three detainees have the opportunity to participate in special details? a. If yes, do they ever work outside the outer perimeter?			
6. Do written procedures govern selection of detainees for the Voluntary Work Program? a. Do the same procedures apply for replacement workers as for "new" workers? b. Does staff always follow written procedures? c. Is merit the sole selection criterion?			
7. Do physically and mentally challenged detainees participate in the program? a. If yes, how many physically challenged are currently employed? b. How many mentally challenged?			

<b>VOLUNTARY WORK PROGRAM</b>			
<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
8. Does the facility comply with work-hour requirements for detainees, not exceeding: a. Eight hours a day? b. Forty hours a week?			
9. Do exceptions occur regularly? a. If yes, certain times of the month? b. Certain times of year?			
10. Do detainee volunteers work according to a. Fixed schedule?			
11. Do volunteers receive the \$1/day stipend?			
12. Has every participating detainee signed the Voluntary Work Program agreement?			
13. If the OIC removes a detainee from a work detail, does staff place the written justification for the action in the detainee's detention file? a. Is this a matter of written procedure?			
14. Does staff ensure that detainee volunteers understand their responsibilities as workers before they join the work program? a. In accordance with written procedure?			
15. Does the voluntary work program meet: a. OSHA standards? b. NFPA standards? c. ACA standards? d. EOSH standards?			
16. Does medical staff screen and formally certify detainee food service volunteers? a. If yes, before the assignment begins? b. Is this a matter of written procedure?			
17. Do detainees receive safety equipment/ training sufficient for the assignment?			
18. Does the OIC have the latest OSHA standards? NFPA? ACA? EOSH?			
19. Is the proper procedure followed when an alien is injured on the job?			

**U.S. Immigration and Naturalization Service  
NATIONAL DETENTION STANDARDS  
MONITORING INSTRUMENT**

**VOLUNTARY WORK PROGRAM**

**Verification Sources:**

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Facility's written work program policies and procedures			
B. Observing on-the-job volunteers			
C. A-files/detention files			
D. OSHA standards			
E. NFPA standards			
F. ACA standards			
G. EOSH standards			
H. Detainee and staff interviews			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

**Remarks:** *(Record significant facts, observations, other sources used, etc.)*

\_\_\_\_\_  
Auditor's Signature

\_\_\_\_\_  
Date